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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,453

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EXAMINER

PAUL, DISLER

ART UNIT

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2614

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/656,453	Applicant(s) WU ET AL.	
	Examiner DISLER PAUL	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6, 13-17 and 33-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33, 38 and 40-43 is/are rejected.
- 7) ☒ Claim(s) 4-6, 13-17, 34-37 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

Claims 34; (35, 4-6); 36-37; (39,13-17) are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

RE claim 34, none of the prior arts of record disclose a second combiner configured to produce second output signals for a second physical speaker using an output of the forward crossover path; a first feedback crossover path configured to receive, delay, and filter the first output signals, the second combiner further configured to produce the second output signals using an output of the first feedback crossover path; and a second feedback crossover path configured to receive, delay, and filter the second output signals, the first combiner further configured to produce the first output signals using an output of the second feedback crossover path.

Similarly, RE claims 35 has been analyzed and objected for similar reason as in claim 34.

Re claim 39, none of the prior arts of record disclose wherein one or more first combiners operable to produce first output signals for a first physical speaker using one or more of: one or more of the input signals, one or more outputs from the filters, and one or more outputs from the forward crossover paths and one or more second combiners operable to produce second output signals for a second physical speaker using one or more of: one or more

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of the input signals, one or more outputs from the filters, and one or more outputs from the forward crossover paths; a first feedback crossover path operable to receive, delay, and filter the first output signals, the one or more second combiners further operable to produce the second output signals using an output from the first feedback crossover path.

Response to Amendment/Argument

In regard to independent claim 33, the applicant's argument that the examiner had "used impermissibly the instant claims as a guide or roadmap to formulate the rejection" is non-persuasive, because it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In that regard, while, Kubota discloses "almost everything as claimed in the instant claim 33", except for" the virtualizer comprising: a first feedback crossover path configured to receive, delay, and filter signals output from the virtualizer".

But, Davis et al. (US 6449368 B1), clearly discloses the above limitation, as having "such a virtualizer comprising: a first feedback crossover path configured to receive, delay, and filter signals output from the virtualizer (fig.5 (24,26); col.13 line 20-40; crosstalk feedback with delay

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and filter” and the motivation as gleaned only from the prior art (col.13 line 20-40; col.4 line 55-65) so as to create phantom or virtual images-sound apparently come from many different certain perceived directions rather than the actual original loudspeaker position. Thus, the rejection is proper.

Furthermore, the applicant’s amended claims (38, 40) as filed on 3/8/10 have been further considered and are rejected over prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota (US 7424121 B2) and Davis et al. (US 6449368 B1).

Re claim 33, Kubota discloses of an audio processor, comprising: a virtualizer configured to process audio information to virtualize at least one speaker such that, from a listener's perspective, sounds appear to come from at least one direction where a physical speaker is not present (fig.5 (2); fig.6; col.1 line 30-50; col.3 line 10-20; col.4 line 10-15) and a controller

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configured to cause the virtualizer to virtualize the at least one speaker at any location in a space around the listener (fig.5 (1); col.1 line 14-20; col.3 line 60-67; col.4 line 15-20).

However, Kubota never specifies of the virtualizer comprising a first feedback crossover path configured to receive, delay, and filter signals output from the virtualizer. But, Davis et al. disclose of a system wherein the similar concept of having such a virtualizer comprising: first feedback crossover path configured to receive, delay, and filter signals output from the virtualizer (fig.5 (24,26); col.3 line 38-50; col.4 line 55-65; col.13 line 20-40; crosstalk feedback including delay and filter processors) so as to create phantom or virtual images-sound apparently come from many different certain perceived directions rather than the actual original loudspeaker position. Thus, it would have been obvious for one of the ordinary skills in the art to have modified the prior art by adding the first feedback crossover path configured to receive, delay, and filter signals output from the virtualizer so as to create phantom or virtual images-sound apparently come from many different certain perceived directions rather than the actual original loudspeaker position.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota (US 7424121 B2) and Neidich et al. (US 7,113,609 B1) and Kasai et al. (US 7242782 B1).

Re claim 38, Kubota discloses of a device, comprising: an audio source operable to provide audio information (fig.4 (3); col.3 line 60-62; col.4 line 1-9); and an audio processor

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operable to receive the audio information and process the audio information to virtualize at least one speaker so that, from a listener's perspective, sounds appear to come from at least one direction where a physical speaker is not present, the audio processor being configurable to virtualize the at least one speaker at any location in a space around the listener (fig.4 (2); fig.2 (2); col.4 line 10-25); and wherein the audio processor comprises: a virtualizer configured to process audio information to virtualize the at least one speaker (fig.2-3 (2); col.5 line 5-11) and a controller configured to cause the virtualizer to virtualize the at least one speaker based on certain position information (fig.1-2 (1); col.2 line 5-15; col.3 line 54-63/the virtualizer to create the phantom image based on the position and movement information parameters of the audio signals).

However, Kubota fail to disclose the controller being configured to determine a location of the at least one speaker based on a number of parameters including at least a position of at least one actual speaker and configured to cause the virtualizer to virtualize the at least one speaker at the determined location.

But, Neidich et al. disclose of a controller being configured to determine a location of the at least one speaker based on a number of parameters including at least a position of at least one actual speaker and configured to cause a virtualizer to virtualize the at least one speaker at the determined location (fig.3 (30,37); fig.4; col.5 line 50-60; col.6 line 4-12; col.8 line 45-67/ a virtualizer to virtualize the rear center speaker based on the determined speaker position) so as to create an improved virtual surround signals based on the relative physical characteristics of the speakers. Thus, it would have been obvious for one of the ordinary skills in the art to have

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modified the prior arts by adding the controller being configured to determine a location of the at least one speaker based on a number of parameters including at least a position of at least one actual speaker and configured to cause a virtualizer to virtualize the at least one speaker at the determined location so as to create an improved virtual surround signals based on the relative physical characteristics of the speakers.

However, the combined teaching of Kubota and Neidich et al. as a whole, fail to disclose of the specific wherein the virtualizer to virtualize the speakers by individually altering a frequency response of one or more of the filters and a delay of one or more of the delay lines

But, Kasai discloses of a virtualizer to virtualize the speakers by individually altering a frequency response of one or more of the filters and a delay of one or more of the delay lines (fig.19 (120a, 1208) or {201-202,205-206}; col.12 line 37-47/each individual filter being altered and also having a delay line as being adjusted for creating the phantom sound signal) so as to improve the accuracy in the low frequency component of the sound image and obtain the desired /optimum properties for the filter as desired. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the prior art by adding the virtualizing the loudspeakers by individually altering a frequency response of one or more of the filters and a delay of one or more of the delay lines for improving the accuracy in the low frequency component of the sound image and obtain the desired /optimum properties for the filter as desired.

Claims 40-41 are rejected under 35 U.S.C. 103(a) as being Unpatentable over Schone et al. (US 4,388,494) and Davis et al. (US 6,449,368 B1).

Re claim 40, Schone et al. disclose of a method, comprising: receiving a first physical speaker signal (fig.1 (A1); col.6 line 45-57/the microphone to receive auditory sound for the loudspeakers); generating first output signals for a first physical speaker and generating second output signals for a second physical speaker (fig.1 (B); left and right signals for the speakers (D); fig.11 (40,50); col.6 line 55-58; col.12 line 28-32); and wherein the first and second output signals are generated from the received first physical speaker signal (fig.1 (A1); col.6 line 40-45; col.12 line 40-44); and providing at least one of the first output signals and the second output signals to at least one feedback crossover path operable to receive, and filter the at least one of the first output signals and the second output signals (fig.1 (B17-B18); col.11 line 25-30 & line 40-47; the feedback for the first and second output signals).

However, Schone et al. fail to disclose of the feedback crossover path operable to specifically to filter and delay the output signal.

But, Davis et al. disclose of a system wherein the similar concept of having a feedback crossover path operable to specifically to filter and delay the output signal (fig.5 (24,26); col.3 line 38-50; col.4 line 55-65; col.13 line 20-40; crosstalk feedback including delay and filter processors) so as to create phantom or virtual images-sound apparently come from many different certain perceived directions rather than the actual original loudspeaker position. Thus, it

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would have been obvious for one of the ordinary skill in the art to have modified the prior arts by adding a feedback crossover path operable to specifically to filter and delay the output signal so as to create phantom or virtual images-sound apparently come from many different certain perceived directions rather than the actual original loudspeaker position.

The combined teaching of Schone et al. and Davis et al. as a whole, further disclose of wherein generating the second output signal comprises combining an output of the at least one feedback crossover path (fig.1 (B13); fig.11 (B13); col.12 line 52-65) and a first forward crossover signal received from a first forward crossover path operable to receive, delay and filter a first input signal (fig.1 (C2, C4); fig.13a; col.17 line 41-55).

Re claim 41, The method of Claim 40, wherein providing further comprises: providing the second output signals to a first feedback crossover path operable to receive, delay, and filter the second output signals; and providing the first output signals to a second feedback crossover path operable to receive, delay, and filter the first output signals (fig.1 (B); fig.11 (B10)/first and second output signal with feedback-cross-over).

Claim 43 is rejected under 35 U.S.C. 103(a) as being Unpatentable over Schone et al. (US 4,388,494) and Davis et al. (US 6,449,368 B1) and Kim et al. (US 7,382,885 B1).

Re claim 43 ; the method of Claim 40, further comprising: filtering one or more input signals to produce one or more filtered input signals (fig.1 (A2, B15)) ; providing one or more of the filtered input signals to one or more forward crossover paths (fig.1 (C)); and generating the first and second output signals using one or more of: one or more of the input signals, one or more of the filtered input signals, and one or more outputs from the forward crossover paths (fig.1 (AI, B15, C,)/signals with filter and forward crossover) ; wherein generating the first output signals further comprises using an output from the second feedback crossover path and wherein generating the second output signals further comprises using an output from the first feedback crossover path (fig.1 (B); fig.11 (B10)); and wherein the first output signals emulate effects of a virtual speaker on one ear of a listener, the second output signals emulate effects of the virtual speaker on another ear of the listener (fig.1 (D); col.4 line 35-45; col.12 line 1-17).

However, the combined teaching of Schone et al. and Davis et al. as a whole, fail to disclose of such having the output signals at least partially cancels crosstalk caused by the other output signals. Kim et al. disclose of such concept of wherein the output signals at least partially cancels crosstalk caused by the other output signals (fig.1B; col.9 line 44-65; col.10 line 1-15) so as to provide improve audio signal with only the respective left and right signals being generated to corresponding left and right speakers respectively. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the prior arts by adding the output signals at least partially cancels crosstalk caused by the other output signals so as to provide improve audio

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signal with only the respective left and right signals being generated to corresponding left and right speakers respectively.

Claims 42; 30-31 are rejected under 35 U.S.C. 103(a) as being Unpatentable over Schone et al. (US 4,388,494) and Davis et al. (US 6,449,368 B1) and Kasai et al. (US 7242782 B1).

Re claim 42, the method of Claim 41, wherein the first and second output signals are produced using one or more first filters (fig.1 (A2)), one or more forward crossover paths each comprising a first delay line and a second filter (fig..13A; fig.1.(c); and two feedback crossover paths each comprising a second delay line and a third filter (fig.1 (B)/the feedback cross-over).

However, the combined teaching of Schone et al. and Davis as a whole, fail to disclose of such specific as individually altering a frequency response of one or more of the filters and a delay of one or more of the delay lines to change the location of one or more of the virtualized speakers.

But, Kasai disclose of a such concept of as individually altering a frequency response of one or more of the filters and a delay of one or more of the delay lines to change the location of one or more of the virtualized speakers (fig.19 (120a, 1208) or {201-202,205-206}; col.12 line 37-47/each individual filter being altered and also having a delay line as being adjusted for creating the phantom sound signal) so as to improve the accuracy in the low frequency component of the sound image and obtain the desired /optimum properties for the filter as desired. Thus, it would have been obvious for one of the ordinary skill in the art to have modified

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the prior arts by individually altering a frequency response of one or more of the filters and a delay of one or more of the delay lines to change the location of one or more of the virtualized speakers for improving the accuracy in the low frequency component of the sound image and obtain the desired /optimum properties for the filter as desired.

Re claim 30, the method of Claim 42, wherein the first and second output signals emulate the effects of multiple virtual speakers on the ears of the listener (fig.1 (D); col.4 line 35-45; col.12 line 1-17/sound with spatial fidelity in ear of listener).

Re claim 31, the method of Claim 42, wherein the first and second output signals emulate the effects of multiple virtual speakers at any locations in a space around the listener (fig.1 (D); col.4 line 35-45; col.12 line 1-17/sound with spatial fidelity in ear of listener).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DISLER PAUL whose telephone number is (571)270-1187. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. P./

Examiner, Art Unit 2614

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2614